

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

STATE OF WASHINGTON; and STATE OF
OREGON,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 2:25-cv-00602-JHC

UNOPPOSED MOTION OF AMICUS
CURIAE BRENNAN CENTER FOR
JUSTICE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT

NOTE ON MOTION CALENDAR:
July 21, 2025

The Brennan Center for Justice at NYU School of Law (the "Brennan Center") moves for leave to file a brief as *amicus curiae* in support of Plaintiffs' motion for partial summary judgment. In furtherance of the motion, the Brennan Center states as follows:

1. The Brennan Center is a nonprofit, non-partisan law and public interest law institute that seeks to strengthen, revitalize, and defend our systems of democracy and justice.

2. The Brennan Center supports Plaintiffs because the Executive Order will have a negative impact on the Brennan Center's mission of ensuring secure elections and protecting voting rights across all communities in America.

3. This Court "ha[s] broad discretion to admit amicus briefing [. . .] to assist a case of general public interest." *Sec. & Exch. Comm'n v. Bittrex Inc.*, No. 2:23-CV-00580-RSM,

2023 WL 4866373, at *1 (W.D. Wash. July 31, 2023) (granting leave to file where brief provides “assistance in framing the facts and law of this case”). An amicus brief “should normally be allowed” when “the amicus has unique information or perspective” that can help the Court beyond what the “lawyers for the parties are able to provide.” *International Partners for Ethical Care Inc. v. Inslee*, No. 3:23-cv-05736-DGE, 2024 WL 416859, at *1 (W.D. Wash. Feb. 5, 2024) (citation omitted) (granting leave to file amicus brief from nonprofit organization whose “mission” was “directly implicated” in the case).

4. The proposed brief will assist the Court in its consideration of the pending motion, because the Brennan Center is a leader in the field of the systems and structures of election administration. The Brennan Center has engaged in extensive research and policy advocacy on voting systems, election infrastructure, and related laws and regulations, and can lend its expertise in these subjects to the Court.¹

5. The *amicus* brief presented by the Brennan Center would provide a unique perspective, rooted in relevant expertise, on the harm states would experience as a result of the Executive Order. Drawing on the Brennan Center’s expertise, the proposed brief provides important context regarding the role of the Voluntary Voting Systems Guidelines, the nature of states’ reliance on federal standards, and the impact the Executive Order would have on state and local election administration around the country. The Brennan Center also can share insight into

¹ See, e.g., Brennan Ctr. for Justice, *States Must Take the Lead on Election Security*, (Dec. 19, 2024), <https://www.brennancenter.org/our-work/research-reports/states-must-take-lead-election-security>; Ruby Edlin et al., *Costs for Replacing Voting Equipment in 2024*, Brennan Ctr. for Justice (Feb. 7, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/costs-replacing-voting-equipment-2024>. See generally Brennan Ctr. for Justice, *Voting Machines & Infrastructure*, <https://www.brennancenter.org/issues/defend-our-elections/election-security/voting-machines-infrastructure> (collecting the Brennan Center’s research and advocacy on voting systems) (last visited July 19, 2025).

the financial and logistical hurdles of procuring voting systems that conform to the new standards, as contemplated by the Executive Order, and the challenge this would pose for states preparing for upcoming primaries and general elections.

6. Counsel for Proposed *Amicus* has conferred with counsel for the parties. Plaintiffs and Defendants do not object to the request for leave to file.

7. A true and correct copy of the proposed brief has been submitted with this motion.

CONCLUSION

For the foregoing reasons, Proposed *Amicus* the Brennan Center for Justice respectfully requests the Court grant the motion for leave to file the attached brief.

I certify that this memorandum contains 548 words, in compliance with the Local Civil Rules.

DATED this 21st day of July 2025.

s/ Michael Rosenberger

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